

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
WYSSEN HANS
Schweighofstrasse 405a
8055 Zurich
Switzerland

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 24 March 2005 (24-03-2005)																	
Applicant's or agent's file reference MCR/47118PCT	FOR FURTHER ACTION See paragraph 2 below																
International application No. PCT/IB2004/052685	International filing date (day/month/year) 07 December 2004 (07-12-2004)																
Priority date (day/month/year) 14 December 2003 (14-12-2003)																	
International Patent Classification (IPC) or both national classification and IPC IPC: H04L-9/32																	
Applicant WYSSEN HANS																	
<p>1. This opinion contains indications relating to the following items :</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the opinion</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement.</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>		<input checked="" type="checkbox"/> Box No. I	Basis of the opinion	<input type="checkbox"/> Box No. II	Priority	<input checked="" type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement.	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
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Name and mailing address of the ISA/CA Canadian Intellectual Property Office Place du Portage 1, C114 - 1st Floor, Box PCT 50 Victoria Street Gatineau, Quebec K1A 0G9 Facsimile No: 001(819)953-2476	Authorized officer Lawrence J. Engel (819) 997-2936
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/052685

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments :

Disclosure: pages 1 - 32, as originally filed.

Claims: 1 to 38, as originally filed.

Drawings: 1/13 to 13/13, as originally filed.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of :

☐ the entire international application

☒ claim 38

because:

☒ the said international application, or the said claim Nos. 38

relate to the following subject matter which does not require an international preliminary examination (*specify*) :

For claim 38, no unified criteria exists under PCT for assessing the industrial applicability of an electrical signal.

☐ the description, claims or drawings (*indicate particular elements below*) or said claim Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*) :

☐ the claims, or said claim Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claim Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that :

the written form ☐ has not been furnished
☐ does not comply with the standard

the computer readable form ☐ has not been furnished
☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

**WRITTEN OPINION OF THE
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International application No.
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Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1 to 38</u>	YES
	Claims <u>None</u>	NO
Inventive step (IS)	Claims <u>1 to 38</u>	YES
	Claims <u>None</u>	NO
Industrial applicability (IA)	Claims <u>1 to 37</u>	YES
	Claims <u>None</u>	NO

2. Citations and explanations :

Reference is made to the following documents in the International Search Report:

D1=US 6,469,933 [Nunally, P. (17 December 2002)]
D2=US 2001/0002485 [Bisbee, S et al. (31 May 2001)]

D1 discloses creating a digital object (mark) that may be appended, added or placed on a document to identify, authenticate or validate the document (Abstract, col.1, line 43 to col. 2, line 5). The mark is placed on or in the document apart from the document's information. Any document without the mark will be presumed to be unidentifiable, inauthentic or invalid. The mark is derived by scrambling private information with the information in the document using a linear feedback shift register (col.2,lines 8-25) to create a "blaze". The digitized private information may be a private character, graphic, image, document, code or image of a signature (col. 3, lines 34-65) that may be encrypted (col. 6, lines 22-25). A process of correlating image and mark (blaze) data determines the authenticity and provenance of the document or mark (col. 6,line 62 to col. 7,line 29).

D2 discloses a system and method for electronic transmission, storage and retrieval of authenticated electronic original documents including providing a verifiable chain of evidence and security. D2 describes a method of handling stored electronic original objects that have been created by signing information objects by respective transfer agents, submitting the signed information objects to a trusted custodial utility (TCU), validating the signed information objects by testing their integrity and the validity of the signature of the respective transfer agent, and applying a date-time stamp, a digital signature and authentication certificate of the TCU to each validated information object (Abstract, [0028]). D2 also describes a Document Authentication System (DAS) whereby security and protection of electronic information objects or electronic documents and other information objects are ensured by using an asymmetric cryptographic system to ensure that a party originating an information object is electronically identifiable ([0029] to [0040], Fig. 1, [0060] to [0086]).

The following observation is made:

Claims 1 to 38 define a method and a remotely accessible computer system whereby a user/client can authenticate a document by retrieving and displaying image data including verification information corresponding to the provenance an electronic version of an original document. The document image and verification data are stored in memory at a repository accessible over the Internet such that clients can display both the document images with it's associated provenance for verification. Neither users/clients nor the owners of the original document(s) can modify the associated image data and verification information.

Claims 1- 38 are considered novel, having an inventive step and being industrially applicable and meet the criteria set out in PCT Article 33(2)- 33(4), because the prior art (D1 or D2) does not teach or fairly suggest alone or in combination, a method of authenticating a document by retrieving and displaying document image data including verification information corresponding to the provenance of at least part of the original document. Document image data and verification information are stored in memory at a repository accessible over the Internet such that clients can display both the document images with it's associated provenance for verification. Neither users/clients nor the owners of the original document can modify the associated image data and verification information. This is considered a new, inventive and useful method and system authenticating or validating documents.

Subject Matter

The subject matter in claim 38 pertains to an "electrical signal", which may be considered excluded subject matter in certain jurisdictions (Rule 67.1(vi)). No unified criteria exists in the PCT for assessing the industrial applicability of this claim. Claims 1-37 are considered

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Box No. VIII Certain observations on the international application .

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

Claims 6, 7, 10-12 and 14-18 are dependent claims which refer to "any preceding claim" or multiple claims (as in claim 6) and hence do not meet the requirements of PCT Article 6 since they are not clear and precise. Dependent claims should reference other dependent or independent claims by number or should include the expression "according to any one of" before the numbered claims (see claims 29 to 36).

Reference to the elements of Figure 3 should be included in the Description as per PCT Rule 5(iv).